

**BEFORE THE
DEPARTMENT OF TRANSPORTATION
OFFICE OF THE SECRETARY
WASHINGTON, D.C.**

Application of)
)
)

AERONEXUS CORPORATE (PTY) LTD)

Docket DOT-OST-2021-_____

)
for an exemption pursuant to 49 U.S.C. § 40109)
and a foreign air carrier permit pursuant to)
49 U.S.C. § 41301)
_____)

**MOTION OF AERONEXUS CORPORATE (PTY) LTD TO
WITHHOLD INFORMATION FROM PUBLIC DISCLOSURE**

Communications with respect to this document should be sent to:

Joanne W. Young
David M. Kirstein
KIRSTEIN & YOUNG PLLC
1750 K Street NW
Suite 700
Washington, DC 20006
Telephone: (202) 331-3348
Facsimile: (202) 331-3933
jyoung@yklaw.com
dkirstein@yklaw.com

Counsel for Aeronexus Corporate (PTY) Ltd

October 18, 2021

**BEFORE THE
DEPARTMENT OF TRANSPORTATION
OFFICE OF THE SECRETARY
WASHINGTON, D.C.**

<p>Application of</p> <p>AERONEXUS CORPORATE (PTY) LTD</p> <p>for an exemption pursuant to 49 U.S.C. § 40109 and a foreign air carrier permit pursuant to 49 U.S.C. § 41301</p>	<p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p>	<p>Docket DOT-OST-2021-_____</p>
--	---	---

**MOTION OF AERONEXUS CORPORATE (PTY) LTD TO
WITHHOLD INFORMATION FROM PUBLIC DISCLOSURE**

Aeronexus Corporate (PTY) Ltd (“Aeronexus”), pursuant to Rule 12 of the Department's Rules of Practice, 14 CFR § 302.12, moves to withhold from public disclosure certain information in the Aeronexus application for an exemption and foreign air carrier permit authority contemporaneously in the above-referenced dockets. In accordance with Rule 12, the information at issue has been marked “Confidential Treatment Requested Under Section 302.12” and is being filed under seal.

Information to be Withheld from Public Disclosure:

1. The Balance Sheet and Income Statements from 2019-20 (Exhibit F).
2. The financial projection for the 12 months following commencement of the operations proposed in Aeronexus’ request (Exhibit G).

Basis for Confidentiality

Exhibits F and G, described above, contain information that is customarily and actually treated as private by Aeronexus and which, if publicly released, would cause substantial

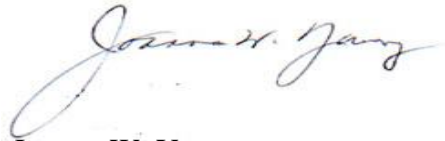
competitive and financial harm to Aeronexus. The Freedom of Information Act (FOIA) protects against the government's public disclosure of such information. *E.g.*, 5 U.S.C. § 552(b)(4); *Food Marketing Institute v. Argus Leader Media*, 139 S. Ct. 2356 (2019); *Flyers Rights Educ. Fund, Inc. v. FAA*, 2021 U.S. Dist. LEXIS 175977 (D.D.C. Sept. 16, 2021) ("Whether information is 'customarily and actually treated as private by its owner' turns on 'how *the particular party* customarily treats the information, *not* how the industry as a whole treats the information.'" (citing *Ctr. for Auto Safety v. Nat'l Highway Traffic Safety Admin.*, 244 F.3d 144, 148 (D.C. Cir. 2001); *Critical Mass Energy Project v. Nuclear Regulatory Comm'n*, 975 F.2d 871, 872, 878-80 (D.C. Cir. 1992) (en banc))).

Exhibits F and G contain proprietary and highly sensitive commercial and financial information relating to Aeronexus strategic decisions for growth and operations. The Department's public disclosure of this information would give potential competitors of Aeronexus insider knowledge of Aeronexus' market strategies and customers, enabling those competitors to harm Aeronexus through competitive responses. Since Aeronexus previously held the necessary exemption or certificate authority for its operations, public disclosure of the confidential commercial and financial information contained in Exhibits F and G serves no public interest benefit. Aeronexus does not disclose this information to the public and controls its access within the company.

The Department has granted requests to withhold similar financial information from public disclosure. In response to a motion by Breeze Airways, the Department stated: "the Department will generally grant confidential treatment to information pertaining to a company's forecast revenues (and related statistics)." Department Response to Breeze Airways' Motion for Confidential Treatment of Documents (Docket OST-2020-0019), dated March 10, 2020, p. 2.

Accordingly, Aeronexus requests that the information identified above be withheld from public disclosure.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Joanne W. Young".

Joanne W. Young
David M. Kirstein
KIRSTEIN & YOUNG, PLLC
1750 K Street, N.W.
Suite 700
Washington, D.C. 20006
Telephone: (202) 331-3348
Facsimile: (202) 331-3933
jyoung@yklaw.com
dkirstein@yklaw.com

Counsel for Aeronexus Corporate (PTY) Ltd